

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Trey Chavez Brown,

Plaintiff,

v.

Kim Jones, Jane Doe, Richard Sims,
Chelsea Johnson, Efrem Jennings, Terri
Wallace, Ms. Velope,

Defendants.

C/A No. 9:21-cv-2310-JFA-MHC

ORDER

Plaintiff, Trey Chavez Brown, a self-represented state prisoner, brings this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

After performing an initial review of the complaint, the Magistrate Judge assigned to this action¹ issued an order informing the plaintiff that his complaint was subject to dismissal as drafted and providing him with time to file an amended complaint to correct the deficiencies noted in the order. (ECF No. 11). Plaintiff provided some, but not all, of the necessary documents to bring this case into proper form. By a second Order dated August 30, 2021, the Magistrate Judge extended the time to bring the case into proper form until September 20, 2021. (ECF No. 17). Plaintiff failed to provide a response to the second Order or to contact the Court in any way since the second Order was issued.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

Thereafter, the Magistrate Judge prepared a thorough Report and Recommendation (“Report”). (ECF No. 20). Within the Report, the Magistrate Judge opines that this action should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on October 6, 2021. *Id.* The Magistrate Judge required Plaintiff to file objections by October 20, 2021. *Id.* Plaintiff failed to file objections or otherwise address the deficiencies in his complaint. Thus, this matter is ripe for review.

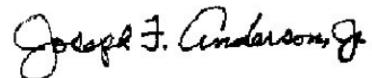
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate’s Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates that the Magistrate Judge correctly concluded that this action is subject to dismissal pursuant to Rule 41.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the

Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 20). Consequently, this matter is dismissed without prejudice in accordance with Federal Rule of Civil Procedure 41.

IT IS SO ORDERED.



November 1, 2021
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge